



Ranking Republican, Senate Agriculture and Rural Economic Development Committee

July 6, 2007

Dear Neighbors,

Welcome to a special early summer edition of the "SRC Ag Alert!" Although it's been interim for more than two months now, there have been some agriculture-related activities going on, so it's a good time to talk about them.

L&I imposes heat stress rule

On June 18, the state Department of Labor and Industries' new emergency rule relating to heat stress requirements upon employers went into effect. I agree with many in the business and farming communities who think this new rule is unnecessary and too burdensome on affected businesses.

Basically, L&I is taking a sledgehammer approach to a minor problem that can be effectively addressed with a more practical solution. Common sense and flexibility are what is needed.

Under the heat stress rule, affected employers are required to provide heat stress training, have a written heat stress policy and provide workers with shade, cooling areas and one quart of drinking water per employee per hour.

As an Eastern Washington wheat farmer for nearly 30 years, I know that it can get hot while working during summer days. But I also know that this is an issue that can be handled with common sense instead of an overbearing rule. Most employees know where to find a water jug to bring to work or they know where the water is at a job site.

Certainly, no employer wants his or her workers to die or suffer serious health problems because of working in the heat. First of all, employers care about their workforce. Second of all, it isn't productive to lose a worker since it makes it harder to operate that business.

L&I's own data indicates there isn't a sufficient need for a heat stress rule. According to L&I's numbers, only three one-thousandths of 1 percent (0.00311 percent) of all industrial insurance claims over the past decade were related to heat stress. The numbers don't warrant such a far-reaching rule.

L&I first pondered a heat stress rule last year, but businesses, organizations and even local governments strongly objected to it as being overly restrictive and unreasonable. After fielding many complaints, the department reconsidered and instead offered a heat stress policy that focused on education and training of employers and workers.

It's puzzling that L&I is reversing course after so many different parties blasted the original rule proposal. It's even more puzzling that the new rule is worse than the original. It's like L&I didn't listen to what everyone said about the rule, or it just doesn't care.

After a group of legislators and several business groups filed a petition on June 5 seeking immediate repeal of the emergency rule, Gov. Gregoire rejected this request and upheld L&I's heat stress rule. It's disappointing that the governor is taking the side of organized labor and government bureaucracy over common sense and Washington's agriculture and business sectors.

2007 Legislative Wheat Tour is a resounding success

On June 26-27, the Washington Association of Wheat Growers held its 2007 Legislative Wheat Tour, a popular event that occurs every two years. This year's tour focused on Whitman and Asotin counties. All in all, the two-day trip through this part of the 9th Legislative District was a huge success.

Among the tour highlights were:

- a brief tour of the **Lower Granite Dam** on the Snake River, followed by a jet boat ride from the dam (we went through the dam's locks, which was an interesting experience in itself) to Clarkston;
- a stop at **WSU's Spillman Farm** outside of Pullman, where WSU wheat researchers monitor various experimental varieties of wheat to see which ones flourish and which ones don't;
- a tour of a **barley processing facility** in the town of **Palouse**, followed by a tour of Palouse itself, where Mayor Michael Echanove showed the group how various town projects benefited from state funding;
- a visit to **Arrow Machinery**, a farm machinery dealership north of Colfax, where many tour members bought items for family members or themselves;
- a drive to the top of 3,613-foot **Steptoe Butte**, where the group saw spectacular 360-degree views of the vast Palouse region and beyond, and where we heard a wonderful speech by farmer Alex McGregor on the history of agriculture in the Palouse;
- a luncheon at the **Lewis Alumni Center** on the WSU campus, where the group heard an excellent speech by the university's new president, Elson Floyd; and
- and a tour of **WSU's wheat research facilities** on campus, including a visit to the new greenhouse where new varieties of wheat are developed.

The wheat growers involved with the tour did a great job of hosting the group of legislators and staffers. They also deserve praise for explaining how state funding helps research that is so vital to the future of Washington's wheat industry, as well as how a strong transportation infrastructure plays a key role. It was made clear to the tour group that the ability to ship wheat via barge down the Snake River is less expensive and requires less fuel than to ship wheat via truck or rail. The WSU wheat breeders, geneticists and other researchers are to be commended for talking about their work and how it impacts the wheat industry.

Many legislators and staffers from both parties and both houses went on the tour. They include Sen. Ken Jacobsen, House Speaker Frank Chopp, and Reps. Brian Blake, Judy Clibborn, Bill Grant, Kathy Haigh, Kelli Linville, Sharon Tomiko Santos, Dean Takko, Deb Wallace and Maureen Walsh. My 9th District seatmates, Reps. David Buri and Steve Hailey, and I also went on the tour, and we took great pride in having our legislative colleagues in our part of the state to see for themselves how the wheat industry works.

New laws go into effect July 22

Many of the laws passed during the 2007 legislative session will go into effect July 22. Here are some those agriculture-related bills:

- ✓ **SSB 5074:** Divides Water Resource Inventory Area 29 in south-central Washington into WRIA 29 and WRIA 29b, and allows for separate planning for both entities.

- ✓ **SSB 5108:** Establishes and Office of Farmland Preservation and creates a Farmland Preservation Task Force.
- ✓ **SB 5113:** Authorizes the application of barley straw to waters in Washington. I prime-sponsored this bill both to help reduce the growth of algae and provide a new marketing niche for barley growers.
- ✓ **SSB 5315:** This measure, which I also prime-sponsored, gives landowners access to their property during wildfires.
- ✓ **ESB 5401:** Requires Christmas tree growers to obtain a license from the state Department of Agriculture. Growers that sell fewer than 400 trees per year to the ultimate consumer are exempt. The bill also authorized DOA to adopt rules for inspection and/or certification of Christmas trees and fees for licensure of Christmas tree growers.
- ✓ **ESSB 5403:** Allows a person to obtain certification to practice animal massage by taking 300 hours of training in either small or large animal massage courses approved by the Department of Health.
- ✓ **ESB 5669:** Streamlines the State Environmental Protection Act (SEPA) process for the installation of new infrastructure, such as storage tanks, to support the biofuels industry.
- ✓ **HB 1305:** Repeals the statues regulating food lockers, which were enacted in 1943.
- ✓ **HB 1311:** Deletes the July 1, 2007 expiration date for the Department of Agriculture's small farm direct marketing assistance program, so it is extended indefinitely.
- ✓ **HB 1331:** Changes the professional status of veterinary technicians from the registered category to the licensed category, adds one licensed veterinary technician to the Board of Veterinary Governors, and requires the board to adopt rules to identify the standard tasks and procedures for determining whether the requirement for five years of practical experience has been met.
- ✓ **SHB 1338:** Authorized the Washington Beer Commission to receive gifts, grants and endowments from public or private sources for the use and benefit of the commission's purposes.
- ✓ **HB 1416:** Extends the current exception to mandatory grading standards for asparagus shipping out-of-state for fresh packing to Dec. 31, 2009.
- ✓ **HB 1443:** Authorizes a deduction from the public utility tax under certain conditions for amounts received from transporting agricultural commodities to interim storage facilities, if the commodities are ultimately shipped by vessel out of state. This will spare wheat haulers what would have been a \$750,000 tax increase.
- ✓ **HB 1549:** Exempts wholesale sales of unprocessed milk from the state business and occupation tax.
- ✓ **EHB 1648:** Broadens the definition of "agricultural activity" to include keeping of bees, changes in crop type, and use of new equipment and agricultural technologies. This should help protect agricultural activities and operations from nuisance lawsuits.
- ✓ **EHB 1688:** Provides a public records exemption for certain information relating to the sale and marketing of fruits and vegetables obtained through the required inspection for state quality standards.
- ✓ **EHB 1902:** Exempts labor and services rendered in respect to installation of replacement parts for qualifying farm machinery and equipment from sales and use tax.
- ✓ **SHB 2115:** Establishes the Washington State Barn Preservation Program.

Another bill of interest will take effect Aug. 1:

- ✓ **ESHB 2352:** Exempts custom farming services, farm management services, contract labor services, and farm animal services from the B&O tax if the activities are performed for a farmer by a neighboring farmer. It also exempts the hauling of agricultural products or farm machinery from the public utility tax if performed by a related party.

Upcoming events

- ✓ **July 12** – Spillman Field Day at Spillman Farm. Research topics will include discussions from cereal and pulse crop breeding programs at WSU with a focus on describing how novel solutions have been incorporated into current breeding methods.
- ✓ **July 12** – Organic Farm Project at Tukey Orchard (a half mile NE of the WSU bear facility).

For more information on these events, visit www.arc.wsu.edu.

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